

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Alec V. Matthews, #39661-018,	)	
	)	C/A No. 1:19-3074-MBS
Petitioner,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
Travis Bragg,	)	
	)	
Respondent.	)	
_____	)	

Petitioner Alec V. Matthews is an inmate in custody of the Federal Bureau of Prisons. On October 20, 2019, Petitioner, proceeding pro se, filed a petition for writ of habeas corpus under 18 U.S.C. § 2241. In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Civ. Rule 73.02(B)(2)(e) (D.S.C.), the matter was referred to Magistrate Judge Shiva V. Hodges for review. The Magistrate Judge issued a Report and Recommendation on November 6, 2019, in which she determined that the court lacks jurisdiction over Petitioner's § 2241 petition. Despite being granted an extension of time to file objections to the Report and Recommendation, Petitioner filed no objections. Accordingly, on March 5, 2020, the court issued an order adopting the Report and Recommendation and dismissing the § 2241 petition for lack of jurisdiction.

This matter now is before the court on Petitioner's motion for an extension of time to appeal, which motion was filed on April 3, 2020. Petitioner informs the court that he received a copy of the order on March 18, 2020, and was unable to respond because the prison was on lockdown and he was unable to gain access to the prison law library.

Fed. R. App. P. 4(a)(5) provides that:

(5) Motion for Extension of Time.

(A) The district court may extend the time to file a notice of appeal if:

(i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and

(ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.

(B) A motion filed before the expiration of the time prescribed in Rule 4(a)(1) or (3) may be ex parte unless the court requires otherwise. If the motion is filed after the expiration of the prescribed time, notice must be given to the other parties in accordance with local rules.

(C) No extension under this Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later.

Under Fed. R. App. P. 4(a)(1), Petitioner had 30 days from March 5, 2020 to file a notice of appeal. Petitioner moved for an extension of time to appeal on April 3, 2020, within the requisite time period, and has shown good cause. Pursuant to Rule 4(a)(C), Petitioner is granted fourteen (14) days from the date of entry of this order to file a notice of appeal.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
Senior United States District Judge

Columbia, South Carolina

July 9, 2020.